

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAMEKA DOWDY, JEFFREY HUNTER, SEAN  
MILAN, JOEL PURSER, SANDRA CASTRO, CECELIA  
ROJAS, KEVON CHISHOLM, RICHARD ORTEGA,  
MARISOL CONCEPCION, ROBERT TABON,  
RASHEEN ODOM, CARMELITA GORDON-  
FLEETWOOD, and RAYMOND PACHECO,  
On behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

THE CITY OF NEW YORK, NEW YORK CITY  
DEPARTMENT OF SANITATION,

Defendants.

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**DECLARATION OF  
ASSISTANT CORPORATION  
COUNSEL SOO-YOUNG  
SHIN IN SUPPORT OF  
DEFENDANTS' MOTION TO  
DISMISS THE FIRST  
AMENDED CLASS ACTION  
COMPLAINT**

22 Civ. 6284 (ALC)

**SOO-YOUNG SHIN** declares that the following is true and correct under penalty  
of perjury pursuant to 28 U.S.C. § 1746:

1. I am an Assistant Corporation Counsel in the office of the Honorable  
Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, the attorney for  
defendants in the above referenced action.

2. I submit this declaration in support of defendants' Motion to Dismiss the  
First Amended Class Action Complaint ("FAC").

3. Annexed hereto as Exhibit "A" is a copy of the Notice of Examination  
("NOE") for New York City Civil Service Title "Sanitation Worker," Title Code 70112,  
announced under Exam No. 2060 by the Department of Citywide Administrative Services  
("DCAS") Bureau of Examinations.

4. Annexed hereto as Exhibit “B” is a copy of the NOE for New York City Civil Service Title “Sanitation Enforcement Agent,” Title Code 71681, announced under Exam No. 0193 by the DCAS Bureau of Examinations.

5. Annexed hereto as Exhibit “C” is a copy of the NOE for New York City Civil Service Title “Associate Sanitation Enforcement Agent,” Title Code 71682, announced under Exam No. 0590 by the DCAS Bureau of Examinations.

6. Exhibits “A” through “C” are publicly-available documents describing the job responsibilities and qualifications for the Sanitation Worker, Sanitation Enforcement Agent, and Associate Sanitation Enforcement Agent Civil Service Titles. Plaintiffs had notice of these documents and relied on their contents in drafting the FAC and, as such, they may properly be considered on this motion to dismiss. *See Chambers v. Time Warner, Inc.*, 282 F.3d 147, 152-153 (2d Cir. 2002).

7. Annexed hereto as Exhibit “D” is Department Message #DM2022-5431, subject line “SANITATION POLICE OFFICER POSITIONS,” dated September 1, 2022 at 10:18 AM. Exhibit “D” is incorporated by reference as it is quoted in the FAC at paragraph 65 and may therefore be considered on this motion to dismiss. *See* ECF Dkt. No. 14, FAC, ¶ 65; Fed. R. Civ. P. 10(c); *Int’l Audiotext Network, Inc. v. Am. Tel. & Tel. Co.*, 62 F.3d 69, 72 (2d Cir. 1995).

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York  
February 14, 2023

/s/ Soo-Young Shin

Soo-Young Shin  
Assistant Corporation Counsel